

**REMARKS**

A Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 is submitted with the present Supplemental Amendment.

Reconsideration and allowance of this application are respectfully requested. Claim 11 is cancelled. Claims 1-10 and 12-17 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Applicant expresses appreciation for the telephone interview held with Examiners Saltarelli and Tran on October 6, 2005 during which the rejection of claim 1 under the cited reference and the assertions set out in the Advisory Action were discussed. Applicant's response to these assertions is described in the present Amendment. No agreement was reached. However, claims 1 and 8 have been amended as suggested by the Examiner.

Claims 5-6, 9-10, 13 and 16 have been amended solely to provide proper antecedence and to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, the Examiner rejected claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by Florin (U.S. Patent No. 5,583,560). It is submitted, however, that the claims are patentably distinguishable over Florin.

The Florin patent describes a transceiver that receives one or more digital program listing channels which contain data representing daily and weekly program listings as well as related information. The data includes a repetitive data stream, shown in FIG. 3b, in which data representing the current day's program listing is interleaved with the program listings of other days, namely, today's data is followed by Monday's data, which is followed by today's data, which is then

followed by Tuesday's data, which is again followed by today's data. The sections of the data stream that are most relevant to the users are stored in a system memory of the transceiver. When a user depresses a list button on a remote control device, a program/service listing for the current date and time, shown in FIG. 12, is displayed on a television screen. When the user then depresses a right arrow button on the remote control device one or more times, the program/service listing for a later time and/or later day is shown. (See col. 10, lines 45-61; col. 11, lines 5-9; col. 15, lines 12-20; and col. 16, lines 14-33).

Florin therefore describes that the data representing the current day's program listing is repeated in the received data stream, that the transceiver stores the current day's program listings and the program listings for other days in the system memory, and that the current day's program listing is displayed when the list button is depressed. In Florin's system, however, the data representing the current day's program listing is *not re-interleaved* between the data representing the program listings of the other days. The patent therefore does not disclose or suggest a distributed information storage unit operable to restore the repeating data *having the same signal format as the received repeating data* using one period of data.

In the Advisory Action, the Examiner nevertheless contends that "the repeating data is restored when a user flips through current and future pages of programming information" and that "the current's days (*sic*) program listing information is re-interleaved between data representing program listings from other days when the user flips back and forth between current and future program listings, as the data is read from memory, and during the course of operation, a user who first displays current programming, then flips to future programming, and then flips back to current programming, using the provided arrow keys, would then be restoring the repeating data through

standard use of the disclosed system." However, the operation of Florin's system in such a contrived manner would hardly be considered "standard use", and such operation is far removed from what a person of ordinary skill in the relevant art would glean from the teachings of Florin. Florin merely describes, with reference to FIGS. 12-19, that the user first depresses a list button on a remote control device to display a program/service listing for a current date and time and then may depress the left or right arrow button to display the next or previous hourly time slot listing on the screen, depress the right arrow button for a predetermined amount of time to display program/service listings for subsequent days, and/or depress the list button when the VCR icon is displayed on the screen to display a listing of all programs recorded by the user on the VCR. (See col. 15, lines 12-20; and col. 16, lines 15-26 and 42-26). The patent does not disclose or suggest combining these operations to obtain the sequence of operations asserted by the Examiner, and the ordinary practitioner would not otherwise have any reason to combine these operations in the asserted manner.

Moreover, Florin shows, in FIGS. 12-19, that only *one hour of program listings* may be displayed at a time. By contrast, the program listing data stream shown in FIG. 3b shows a repetitive data stream in which the data listings for today is followed by the data listings for Monday, then again by the data listings for today, and then by the data listings for Tuesday, etc., namely, the program listing data stream contains *the entire day's program listing* for each day in the sequence. (See col. 10, lines 45-67). Therefore, even if Florin's system is operated in the manner asserted by the Examiner, only a *portion of each day's listings* would be displayed so that the displayed data would not have the same format as the received data stream.

Additionally, whenever the user depresses the list button, depresses the left or right arrow button, or depresses

the right arrow button for a predetermined amount of time, the transceiver delivers to the television the program/service listings for a given hour of a specified day. Because the transceiver delivers only a portion of the day's program/service listings at a time, the data is not delivered to the television in the form of repeating data having the same signal format as the received program listing data stream even if Florin's system is operated in the manner asserted by the Examiner. Therefore, Florin does not disclose or suggest a distributed information storage unit operable to deliver restored repeating data having the same signal format as the received repeating data to a reception processor.

Florin neither discloses nor suggests:

a distributed information storage unit operable to obtain the received repeating data from said reception processor, to separate one period of data from the received repeating data, to store the one period of data in a data storage device, to read the one period of data from the data storage device in response to a received command, to restore the repeating data using the one period of data, the restored repeating data having the same signal format as the received repeating data, to generate a menu frame of items associated with the one period of data, to convert the menu frame into menu data having a format that can be used by the browser, and to deliver at least one of the restored repeating data and the menu data to said reception processor

as called for in claim 1.

It follows that Florin neither discloses nor suggests the combination in recited claim 1 and therefore does not anticipate the claim.

Claims 2-3 depend from claim 1 and each further defines and limits the invention set out in the independent claim. It follows that each of claims 2-3 is distinguishable over the Florin reference for at least the same reasons.

Independent claim 8 defines a digital signal display method and calls for:

restoring the repeating data using the one period of stored data, the restored repeating data having the same signal format as the received repeating data[.]

Therefore, claim 8 is patentably distinguishable over the Florin patent for at least the same reasons.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

The Examiner also rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Logan (U.S. Patent No. 5,732,216). It is submitted, however, that the claim is patentably distinguishable over the cited references.

Claim 4 depends from claim 1 and is therefore distinguishable over Florin for at least the reasons described above.

The Logan patent describes a system for the disseminating audio recording information in which a subscriber downloads program segments arranged in a provisional order. Before playback, the subscriber can review and alter the provisional program selections and the sequence of the program selections. (See Fig. 2; and col. 7, lines 35-50). The patent is not concerned with a signal that includes repeating data and therefore does not disclose or suggest restoring the repeating data using one period of the data. It follows that Logan does not remedy the deficiencies of the Florin reference.

Claims 5-6, 9-10, 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Boyle (U.S. Patent No. 6,118,870). It is submitted that the claims are patentably distinguishable over the cited art.

Claims 5, 6 and 12 depend from claim 1, and claims 9, 10 and 15 depend from claim 8. Therefore, claims 5-6, 9-10, 12

and 15 are each distinguishable over Florin at least for the reasons set out above.

The Boyle patent describes a publisher station that encrypts data and a DES key before the data and the DES key are transmitted to a subscriber station where the data and the DES key are decrypted. (See Figs. 1 and 3; and col. 3, line 53 - col. 4, line 38). Boyle is not concerned with a signal that includes repeating data, and therefore the patent does not disclose or suggest restoring the repeating data using one period of the data. It follows that Boyle does not remedy the deficiencies of the Florin patent.

The Examiner also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Martinez (U.S. Patent No. 4,928,177). It is submitted that claim 7 is patentably distinguishable over the cited art.

Claim 7 depends from claim 1 and is therefore distinguishable over Florin for at least for the same reasons.

The Martinez patent describes a two-way broadcast network. High data rate communication is carried out in a forward direction using a television signal, and low data rate communication is carried out in a return direction using an AM radio signal. The data may be sent over a conventional television channel during normally off hours. (See col. 11, lines 49-62). Martinez is not concerned with a signal that includes repeating data and therefore does not disclose or suggest restoring the repeating data using one period of the data. Thus, Martinez does not remedy the deficiencies of Florin.

Finally, the Examiner rejected claims 13-14 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Florin in view of Russo (U.S. Patent No. 5,619,247). It is submitted, however, that the claims are patentably distinguishable over the cited references.

Claims 13-14 depend from claim 1, and claims 16-17 depend from claim 8. Therefore, each of claims 13, 14, 16, and 17 is each distinguishable over Florin for at least the same reasons.

The Russo patent is directed to a pay-per-play system in which video, audio and other programs are stored at a subscriber site for later playback. Russo does not disclose or suggest a broadcast signal that includes repeating data and therefore does not disclose or suggest restoring the repeating data using one period of the data. Russo therefore does not address the deficiencies of Florin.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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